

## SUBCHAPTER II—TEACHER QUALITY ENHANCEMENT

### CODIFICATION

Pub. L. 107–110, title X, § 1051(1), Jan. 8, 2002, 115 Stat. 2080, added heading and struck out former heading which read as follows: “TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS”.

### PRIOR PROVISIONS

A prior title II of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89–329, title II, Nov. 8, 1965, 79 Stat. 1224, and amended by Pub. L. 89–752, Nov. 3, 1966, 80 Stat. 1240; Pub. L. 90–575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92–318, June 23, 1972, 86 Stat. 235; Pub. L. 94–482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 96–49, Aug. 13, 1979, 93 Stat. 351. Title II was extensively revised by Pub. L. 96–374, title II, § 201, Oct. 3, 1980, 94 Stat. 1383, and was set out in this subchapter as having been added by Pub. L. 96–374, and amended, prior to repeal by Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 708(b)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312.

### § 1021. Definitions

In this subchapter:

#### (1) Arts and sciences

The term “arts and sciences” means—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

#### (2) Children from low-income families

The term “children from low-income families” means children described in section 6333(c)(1)(A) of this title.

#### (3) Core academic subjects

The term “core academic subjects” has the meaning given the term in section 7801 of this title.

#### (4) Early childhood educator

The term “early childhood educator” means an individual with primary responsibility for the education of children in an early childhood education program.

#### (5) Educational service agency

The term “educational service agency” has the meaning given the term in section 7801 of this title.

#### (6) Eligible partnership

Except as otherwise provided in section 1034 of this title, the term “eligible partnership” means an entity that—

(A) shall include—

- (i) a high-need local educational agency;
- (ii) (I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or
- (II) as applicable, a high-need early childhood education program;

(iii) a partner institution;

(iv) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a four-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this subchapter; and

(v) a school or department of arts and sciences within such partner institution; and

(B) may include any of the following:

- (i) The Governor of the State.
- (ii) The State educational agency.
- (iii) The State board of education.
- (iv) The State agency for higher education.
- (v) A business.
- (vi) A public or private nonprofit educational organization.
- (vii) An educational service agency.
- (viii) A teacher organization.
- (ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.
- (x) A charter school (as defined in section 7221i of this title).
- (xi) A school or department within the partner institution that focuses on psychology and human development.
- (xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.
- (xiii) An entity operating a program that provides alternative routes to State certification of teachers.

#### (7) Essential components of reading instruction

The term “essential components of reading instruction” has the meaning given the term in section 6368 of this title.

#### (8) Exemplary teacher

The term “exemplary teacher” has the meaning given the term in section 7801 of this title.

#### (9) High-need early childhood education program

The term “high-need early childhood education program” means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

#### (10) High-need local educational agency

The term “high-need local educational agency” means a local educational agency—

- (A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;
- (ii) that serves not fewer than 10,000 children from low-income families;
- (iii) that meets the eligibility requirements for funding under the Small, Rural

School Achievement Program under section 7345(b) of this title; or

(iv) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 7351(b) of this title; and

(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

#### **(11) High-need school**

##### **(A) In general**

The term “high-need school” means a school that, based on the most recent data available, meets one or both of the following:

(i) The school is in the highest quartile of schools in a ranking of all schools served by a local educational agency, ranked in descending order by percentage of students from low-income families enrolled in such schools, as determined by the local educational agency based on one of the following measures of poverty:

(I) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

(II) The percentage of students eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.].

(III) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.].

(IV) The percentage of students eligible to receive medical assistance under the Medicaid program.

(V) A composite of two or more of the measures described in subclauses (I) through (IV).

(ii) In the case of—

(I) an elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act; or

(II) any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

##### **(B) Special rule**

###### **(i) Designation by the Secretary**

The Secretary may, upon approval of an application submitted by an eligible partnership seeking a grant under this subchapter, designate a school that does not qualify as a high-need school under subparagraph (A) as a high-need school for the purpose of this subchapter. The Secretary shall base the approval of an application

for designation of a school under this clause on a consideration of the information required under clause (ii), and may also take into account other information submitted by the eligible partnership.

###### **(ii) Application requirements**

An application for designation of a school under clause (i) shall include—

(I) the number and percentage of students attending such school who are—

(aa) aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary;

(bb) eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act;

(cc) in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

(dd) eligible to receive medical assistance under the Medicaid program;

(II) information about the student academic achievement of students at such school; and

(III) for a secondary school, the graduation rate for such school.

#### **(12) Highly competent**

The term “highly competent”, when used with respect to an early childhood educator, means an educator—

(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

(B) with—

(i) a baccalaureate degree in an academic major in the arts and sciences; or

(ii) an associate’s degree in a related educational area; and

(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

#### **(13) Highly qualified**

The term “highly qualified” has the meaning given such term in section 7801 of this title and, with respect to special education teachers, in section 1401 of this title.

#### **(14) Induction program**

The term “induction program” means a formalized program for new teachers during not less than the teachers’ first two years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

(A) High-quality teacher mentoring.

(B) Periodic, structured time for collaboration with teachers in the same department or field, including mentor teachers, as well as time for information-sharing among teachers, principals, administrators, other appropriate instructional staff, and participating faculty in the partner institution.

(C) The application of empirically-based practice and scientifically valid research on instructional practices.

(D) Opportunities for new teachers to draw directly on the expertise of teacher mentors, faculty, and researchers to support the integration of empirically-based practice and scientifically valid research with practice.

(E) The development of skills in instructional and behavioral interventions derived from empirically-based practice and, where applicable, scientifically valid research.

(F) Faculty who—

(i) model the integration of research and practice in the classroom; and

(ii) assist new teachers with the effective use and integration of technology in the classroom.

(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

(H) Assistance with the understanding of data, particularly student achievement data, and the applicability of such data in classroom instruction.

(I) Regular and structured observation and evaluation of new teachers by multiple evaluators, using valid and reliable measures of teaching skills.

#### **(15) Limited English proficient**

The term “limited English proficient” has the meaning given the term in section 7801 of this title.

#### **(16) Parent**

The term “parent” has the meaning given the term in section 7801 of this title.

#### **(17) Partner institution**

The term “partner institution” means an institution of higher education, which may include a two-year institution of higher education offering a dual program with a four-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher’s subject matter knowledge in the content area in which the teacher intends to teach; or

(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

(I) using criteria consistent with the requirements for the State report card under section 1022d(b) of this title before the first publication of such report card; and

(II) using the State report card on teacher preparation required under section 1022d(b) of this title, after the first

publication of such report card and for every year thereafter; and

(B) that requires—

(i) each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience;

(ii) each student in the program preparing to become a teacher to become highly qualified; and

(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

#### **(18) Principles of scientific research**

The term “principles of scientific research” means principles of research that—

(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

(C) include, appropriate to the research being conducted—

(i) use of systematic, empirical methods that draw on observation or experiment;

(ii) use of data analyses that are adequate to support the general findings;

(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

#### **(19) Professional development**

The term “professional development” has the meaning given the term in section 7801 of this title.

#### **(20) Scientifically valid research**

The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

#### **(21) Teacher mentoring**

The term “teacher mentoring” means the mentoring of new or prospective teachers through a program that—

(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management (including approaches that improve the schoolwide climate for learning, which may include positive behavioral interventions and supports);

(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

(D) provides paid release time for mentors, as applicable;

(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

(F) promotes empirically-based practice of, and scientifically valid research on, where applicable—

- (i) teaching and learning;
- (ii) assessment of student learning;
- (iii) the development of teaching skills through the use of instructional and behavioral interventions; and
- (iv) the improvement of the mentees' capacity to measurably advance student learning; and

(G) includes—

- (i) common planning time or regularly scheduled collaboration for the mentor and mentee; and
- (ii) joint professional development opportunities.

## **(22) Teaching residency program**

The term “teaching residency program” means a school-based teacher preparation program in which a prospective teacher—

(A) for one academic year, teaches alongside a mentor teacher, who is the teacher of record;

(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

(C) acquires effective teaching skills; and

(D) prior to completion of the program—

- (i) attains full State certification or licensure and becomes highly qualified; and
- (ii) acquires a master's degree not later than 18 months after beginning the program.

## **(23) Teaching skills**

The term “teaching skills” means skills that enable a teacher to—

(A) increase student learning, achievement, and the ability to apply knowledge;

(B) effectively convey and explain academic subject matter;

(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

(D) employ strategies grounded in the disciplines of teaching and learning that—

(i) are based on empirically-based practice and scientifically valid research, where applicable, related to teaching and learning;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

(E) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

(F) effectively manage a classroom, including the ability to implement positive behavioral interventions and support strategies;

(G) communicate and work with parents, and involve parents in their children's education; and

(H) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs.

(Pub. L. 89-329, title II, §200 as added Pub. L. 110-315, title II, §201(1), Aug. 14, 2008, 122 Stat. 3126; amended Pub. L. 111-39, title II, §201(1), July 1, 2009, 123 Stat. 1936.)

### **REFERENCES IN TEXT**

The Richard B. Russell National School Lunch Act, referred to in par. (11)(A)(i)(II), (ii), (B)(ii)(I)(bb), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Social Security Act, referred to in par. (11)(A)(i)(III), (B)(ii)(I)(cc), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

### **PRIOR PROVISIONS**

A prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1623; amended Pub. L. 107-110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to purposes and definitions, prior to repeal by Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1383; amended Pub. L. 99-498, title II, §201(b), (c), Oct. 17, 1986, 100 Stat. 1287; Pub. L. 100-418, title VI, §6241, Aug. 23, 1988, 102 Stat. 1520; Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 467, related to congressional statement of purpose and authorization of appropriations, prior to repeal by Pub. L. 104-208, div. A, title

I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1021, Pub. L. 89-329, title II, §201, as added Pub. L. 92-318, title I, §111(b)(1), June 23, 1972, 86 Stat. 238; amended Pub. L. 94-482, title I, §106, Oct. 12, 1976, 90 Stat. 2089; Pub. L. 96-49, §3(a), Aug. 13, 1979, 93 Stat. 351, provided for college library programs, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 1021, Pub. L. 89-329, title II, §201, Nov. 8, 1965, 79 Stat. 1224; Pub. L. 90-575, title II, §211, Oct. 16, 1968, 82 Stat. 1036; Pub. L. 92-318, title I, §111(a)(1), June 23, 1972, 86 Stat. 238, authorized appropriations of \$50,000,000 for each fiscal year ending June 30, 1966, 1967, and 1968, and \$25,000,000; \$75,000,000; \$90,000,000; and \$18,000,000 for fiscal years ending June 30, 1969, 1970, 1971, and 1972, for library resources grants, prior to repeal by Pub. L. 92-318, title I, §111(b)(1), June 23, 1972, 86 Stat. 238.

#### AMENDMENTS

2009—Par. (22)(D). Pub. L. 111-39 added subpar. (D) and struck out former subpar (D) which read as follows: “prior to completion of the program, earns a master’s degree, attains full State teacher certification or licensure, and becomes highly qualified.”

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

### PART A—TEACHER QUALITY PARTNERSHIP GRANTS

#### PRIOR PROVISIONS

A prior part A, consisted of sections 1021 to 1030, related to teacher quality enhancement grants for States and partnerships, prior to repeal by Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

### § 1022. Purposes

The purposes of this part are to—

- (1) improve student achievement;
- (2) improve the quality of prospective and new teachers by improving the preparation of prospective teachers and enhancing professional development activities for new teachers;
- (3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and
- (4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

(Pub. L. 89-329, title II, §201, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.)

#### PRIOR PROVISIONS

A prior section 1022, Pub. L. 89-329, title II, §202, as added Pub. L. 105-244, title II, §201, Oct. 7, 1998, 112 Stat. 1624; amended Pub. L. 107-110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to award of State grants, prior to repeal by Pub. L. 110-315, title II, Sec. 201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1022, Pub. L. 89-329, title II, §202, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1384; amended Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 468, required each institution of higher education receiving grants under this subchapter to annually notify designated State agency of its activities under this subchapter, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1022, Pub. L. 89-329, title II, §202, Nov. 8, 1965, 79 Stat. 1224; Pub. L. 89-752, §9, Nov. 3, 1966, 80 Stat. 1243; Pub. L. 90-575, title II, §214(a), Oct. 16, 1968, 82 Stat. 1037; Pub. L. 92-318, title I, §§111(b)(2)(A), 112(a), (b)(1), June 23, 1972, 86 Stat. 238, 240, related to the basic grants for the college library resources program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 201 of Pub. L. 89-329 was classified to section 1021 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 201 of Pub. L. 89-329 was classified to section 1021 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 201 of Pub. L. 89-329 was classified to section 1021 of this title, prior to repeal by Pub. L. 92-318.

### § 1022a. Partnership grants

#### (a) Program authorized

From amounts made available under section 1022h of this title, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

#### (b) Application

Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

- (1) a needs assessment of the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention of general education and special education teachers, principals, and, as applicable, early childhood educators;
- (2) a description of the extent to which the program to be carried out with grant funds, as described in subsection (c), will prepare prospective and new teachers with strong teaching skills;
- (3) a description of how such program will prepare prospective and new teachers to understand and use research and data to modify and improve classroom instruction;
- (4) a description of—

(A) how the eligible partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including programs funded under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] and the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], and through the National Science Foundation; and

(B) how the activities of the partnership will be consistent with State, local, and other education reform activities that promote teacher quality and student academic achievement;

- (5) an assessment that describes the resources available to the eligible partnership, including—

(A) the integration of funds from other related sources;

(B) the intended use of the grant funds; and

(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

(6) a description of—

(A) how the eligible partnership will meet the purposes of this part;

(B) how the partnership will carry out the activities required under subsection (d) or (e), based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

(C) if the partnership chooses to use funds under this section for a project or activities under subsection (f) or (g), how the partnership will carry out such project or required activities based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

(D) the partnership's evaluation plan under section 1022c(a) of this title;

(E) how the partnership will align the teacher preparation program under subsection (c) with the—

(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

(ii) student academic achievement standards and academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311(b)(1)], established by the State in which the partnership is located;

(F) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act [20 U.S.C. 1414(d)(1)(B)];

(G) how the partnership will prepare general education and special education teachers to teach students who are limited English proficient;

(H) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of high-need schools served by the high-need local educational agency in the partnership to—

(i) provide high-quality professional development activities to strengthen the content knowledge and teaching skills of elementary school and secondary school teachers; and

(ii) train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction;

(I) how the partnership will design, implement, or enhance a year-long and rigorous teaching preservice clinical program component;

(J) how the partnership will support in-service professional development strategies and activities; and

(K) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood education programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

(7) with respect to the induction program required as part of the activities carried out under this section—

(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program will effectively prepare teachers, including providing content expertise and expertise in teaching, as appropriate;

(B) a demonstration of the eligible partnership's capability and commitment to, and the accessibility to and involvement of faculty in, the use of empirically-based practice and scientifically valid research on teaching and learning;

(C) a description of how the teacher preparation program will design and implement an induction program to support, through not less than the first two years of teaching, all new teachers who are prepared by the teacher preparation program in the partnership and who teach in the high-need local educational agency in the partnership, and, to the extent practicable, all new teachers who teach in such high-need local educational agency, in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary school or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

#### **(c) Use of grant funds**

An eligible partnership that receives a grant under this section—

(1) shall use grant funds to carry out a program for the preparation of teachers under subsection (d), a teaching residency program under subsection (e), or a combination of such programs; and

(2) may use grant funds to carry out a leadership development program under subsection (f).

#### **(d) Partnership grants for the preparation of teachers**

An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:

##### **(1) Reforms**

###### **(A) In general**

Implementing reforms, described in subparagraph (B), within each teacher prepara-

tion program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

(i) preparing—

(I) new or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

(II) such teachers and, as applicable, early childhood educators, to understand empirically-based practice and scientifically valid research related to teaching and learning and the applicability of such practice and research, including through the effective use of technology, instructional techniques, and strategies consistent with the principles of universal design for learning, and through positive behavioral interventions and support strategies to improve student achievement; and

(III) as applicable, early childhood educators to be highly competent; and

(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

#### **(B) Required reforms**

The reforms described in subparagraph (A) shall include—

(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

(ii) using empirically-based practice and scientifically valid research, where applicable, about teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

(I) understand and can implement research-based teaching practices in classroom instruction;

(II) have knowledge of student learning methods;

(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve classroom instruction;

(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general education and special education teachers and early childhood educators to—

(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

(bb) differentiate instruction for such students;

(V) can effectively participate as a member of the individualized education program team, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act [20 U.S.C. 1414(d)(1)(B)]; and

(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act [20 U.S.C. 1401(10)(D)];

(iv) developing and implementing an induction program;

(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

(vi) implementing program and curriculum changes, as applicable, to ensure that prospective teachers have the requisite content knowledge, preparation, and degree to teach Advanced Placement or International Baccalaureate courses successfully.

#### **(2) Clinical experience and interaction**

Developing and improving a sustained and high-quality preservice clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

(A) Incorporate year-long opportunities for enrichment, including—

(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership, and identified by the eligible partnership; and

(ii) closely supervised interaction between prospective teachers and faculty, experienced teachers, principals, other administrators, and school leaders at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

(C) Provide high-quality teacher mentoring.

(D) Be offered over the course of a program of teacher preparation.

(E) Be tightly aligned with course work (and may be developed as a fifth year of a teacher preparation program).

(F) Where feasible, allow prospective teachers to learn to teach in the same local educational agency in which the teachers will work, learning the instructional initiatives and curriculum of that local educational agency.

(G) As applicable, provide training and experience to enhance the teaching skills of prospective teachers to better prepare such teachers to meet the unique needs of teaching in rural or urban communities.

(H) Provide support and training for individuals participating in an activity for prospective or new teachers described in this paragraph or paragraph (1) or (3), and for individuals who serve as mentors for such teachers, based on each individual's experience. Such support may include—

- (i) with respect to a prospective teacher or a mentor, release time for such individual's participation;
- (ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and
- (iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or performance pay, based on the mentor's extra skills and responsibilities.

### **(3) Induction programs for new teachers**

Creating an induction program for new teachers or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

### **(4) Support and training for participants in early childhood education programs**

In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

### **(5) Teacher recruitment**

Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

- (A) individuals from under<sup>1</sup> represented populations;
- (B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and the instruction of limited English proficient students; and
- (C) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

### **(6) Literacy training**

Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers—

- (A) to implement literacy programs that incorporate the essential components of reading instruction;
- (B) to use screening, diagnostic, formative, and summative assessments to determine students' literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;
- (C) to provide individualized, intensive, and targeted literacy instruction for students with deficiencies in literacy skills; and
- (D) to integrate literacy skills in the classroom across subject areas.

### **(e) Partnership grants for the establishment of teaching residency programs**

#### **(1) In general**

An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

- (A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.
- (B) Placing graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.
- (C) Ensuring that teaching residents who participate in the teaching residency program receive—

- (i) effective preservice preparation as described in paragraph (2);
- (ii) teacher mentoring;
- (iii) support required through the induction program as the teaching residents enter the classroom as new teachers; and
- (iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

#### **(2) Teaching residency programs**

##### **(A) Establishment and design**

A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

- (i) The integration of pedagogy, classroom practice, and teacher mentoring.
- (ii) Engagement of teaching residents in rigorous graduate-level course work leading to a master's degree while undertaking a guided teaching apprenticeship.
- (iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

- (I) whose teaching shall complement the residency program so that classroom

<sup>1</sup> So in original. Probably should be followed by a hyphen.



clinical practice is tightly aligned with coursework;

(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

(III) who may be relieved from teaching duties as a result of such additional responsibilities.

(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but not limited to, observations of the following:

(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative and diagnostic assessments to improve student learning.

(II) Appropriate instruction that engages students with different learning styles.

(III) Collaboration with colleagues to improve instruction.

(IV) Analysis of gains in student learning, based on multiple measures that are valid and reliable and that, when feasible, may include valid, reliable, and objective measures of the influence of teachers on the rate of student academic progress.

(V) In the case of mentor candidates who will be mentoring new or prospective literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

(vi) The development of admissions goals and priorities—

(I) that are aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of such agency, in exchange for a commitment by such agency to hire qualified graduates from the teaching residency program; and

(II) which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

(vii) Support for residents, once the teaching residents are hired as teachers of

record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first two years of teaching.

## **(B) Selection of individuals as teacher residents**

### **(i) Eligible individual**

In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

(I) be a recent graduate of a four-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

(II) submit an application to the teaching residency program.

### **(ii) Selection criteria**

An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

## **(C) Stipends or salaries; applications; agreements; repayments**

### **(i) Stipends or salaries**

A teaching residency program under this subsection shall provide a one-year living stipend or salary to teaching residents during the teaching residency program.

### **(ii) Applications for stipends or salaries**

Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

### **(iii) Agreements to serve**

Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

(I) serve as a full-time teacher for a total of not less than three academic years immediately after successfully completing the teaching residency program;

(II) fulfill the requirement under subclause (I) by teaching in a high-need school served by the high-need local educational agency in the eligible partnership and teach a subject or area that is

designated as high need by the partnership;

(III) provide to the eligible partnership a certificate, from the chief administrative officer of the local educational agency in which the resident is employed, of the employment required in subclauses (I) and (II) at the beginning of, and upon completion of, each year or partial year of service;

(IV) meet the requirements to be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801], or section 602 of the Individuals with Disabilities Education Act [20 U.S.C. 1401], when the applicant begins to fulfill the service obligation under this clause; and

(V) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

**(iv) Repayments**

**(I) In general**

A grantee carrying out a teaching residency program under this paragraph shall require a recipient of a stipend or salary under clause (i) who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required by clause (iii) to repay such stipend or salary to the eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

**(II) Other terms and conditions**

Any other terms and conditions specified by the eligible partnership may include reasonable provisions for pro-rata repayment of the stipend or salary described in clause (i) or for deferral of a teaching resident's service obligation required by clause (iii), on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances.

**(III) Use of repayments**

An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

**(f) Partnership grants for the development of leadership programs**

**(1) In general**

An eligible partnership that receives a grant under this section may carry out an effective school leadership program, which may be carried out in partnership with a local educational agency located in a rural area and

that shall include all of the following activities:

(A) Preparing individuals enrolled or preparing to enroll in school leadership programs for careers as superintendents, principals, early childhood education program directors, or other school leaders (including individuals preparing to work in local educational agencies located in rural areas who may perform multiple duties in addition to the role of a school leader).

(B) Promoting strong leadership skills and, as applicable, techniques for school leaders to effectively—

(i) create and maintain a data-driven, professional learning community within the leader's school;

(ii) provide a climate conducive to the professional development of teachers, with a focus on improving student academic achievement and the development of effective instructional leadership skills;

(iii) understand the teaching and assessment skills needed to support successful classroom instruction and to use data to evaluate teacher instruction and drive teacher and student learning;

(iv) manage resources and school time to improve student academic achievement and ensure the school environment is safe;

(v) engage and involve parents, community members, the local educational agency, businesses, and other community leaders, to leverage additional resources to improve student academic achievement; and

(vi) understand how students learn and develop in order to increase academic achievement for all students.

(C) Ensuring that individuals who participate in the school leadership program receive—

(i) effective preservice preparation as described in subparagraph (D);

(ii) mentoring; and

(iii) if applicable, full State certification or licensure to become a school leader.

(D) Developing and improving a sustained and high-quality preservice clinical education program to further develop the leadership skills of all prospective school leaders involved in the program. Such clinical education program shall do the following:

(i) Incorporate year-long opportunities for enrichment, including—

(I) clinical learning in high-need schools served by the high-need local educational agency or a local educational agency located in a rural area in the eligible partnership and identified by the eligible partnership; and

(II) closely supervised interaction between prospective school leaders and faculty, new and experienced teachers, and new and experienced school leaders, in such high-need schools.

(ii) Integrate pedagogy and practice and promote effective leadership skills, meeting the unique needs of urban, rural, or geographically isolated communities, as applicable.

(iii) Provide for mentoring of new school leaders.

(E) Creating an induction program for new school leaders.

(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become school leaders through the activities of the eligible partnership, which may include an emphasis on recruiting into school leadership professions—

(i) individuals from underrepresented populations;

(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and school leader shortage areas; and

(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

**(2) Selection of individuals for the leadership program**

In order to be eligible for the school leadership program under this subsection, an individual shall be enrolled in or preparing to enroll in an institution of higher education, and shall—

(A) be a—

(i) recent graduate of an institution of higher education;

(ii) mid-career professional from outside the field of education with strong content knowledge or a record of professional accomplishment;

(iii) current teacher who is interested in becoming a school leader; or

(iv) school leader who is interested in becoming a superintendent; and

(B) submit an application to the leadership program.

**(g) Partnership with digital education content developer**

An eligible partnership that receives a grant under this section may use grant funds provided to carry out the activities described in subsection (d) or (e), or both, to partner with a television public broadcast station, as defined in section 397(6) of title 47, or another entity that develops digital educational content, for the purpose of improving the quality of pre-baccalaureate teacher preparation programs or to enhance the quality of preservice training for prospective teachers.

**(h) Evaluation and reporting**

The Secretary shall—

(1) evaluate the programs assisted under this section; and

(2) make publicly available a report detailing the Secretary's evaluation of each such program.

**(i) Consultation**

**(1) In general**

Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the devel-

opment and implementation of programs and activities carried out under this section.

**(2) Regular communication**

To ensure timely and meaningful consultation as described in paragraph (1), regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

**(3) Written consent**

The Secretary may approve changes in grant activities of a grant under this section only if the eligible partnership submits to the Secretary a written consent to such changes signed by all members of the eligible partnership.

**(j) Construction**

Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

**(k) Supplement, not supplant**

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

(Pub. L. 89-329, title II, §202, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133; amended Pub. L. 111-39, title II, §201(2), July 1, 2009, 123 Stat. 1936.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(4)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(4)(A), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

Prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to repeal by Pub. L. 110-315.

A prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 202 of Pub. L. 89-329 was classified to section 1022 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2009—Subsec. (b)(6)(E)(ii). Pub. L. 111-39, §201(2)(A), substituted “section 1111(b)(1)” for “section 1111(b)(2)”.

Subsec. (c)(1). Pub. L. 111-39, §201(2)(B), struck out “pre-baccalaureate” before “preparation”.

Subsec. (d). Pub. L. 111-39, §201(2)(C), substituted “the preparation” for “pre-baccalaureate preparation” in

heading, added introductory provisions, and struck out former introductory provisions which read as follows: “An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:”.

Subsec. (e)(2). Pub. L. 111-39, §201(2)(D), in subpar. (A)(ii), substituted “leading to” for “to earn” and, in subpar. (C), struck out “one-year” before “teaching residency program” in cls. (i) and (iii)(I).

Subsec. (i)(3). Pub. L. 111-39, §201(2)(E), substituted “consent to” for “consent of”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

### § 1022b. Administrative provisions

#### (a) Duration; number of awards; payments

##### (1) Duration

A grant awarded under this part shall be awarded for a period of five years.

##### (2) Number of awards

An eligible partnership may not receive more than one grant during a five-year period. Nothing in this subchapter shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this subchapter from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the five-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

#### (b) Peer review

##### (1) Panel

The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

##### (2) Priority

The Secretary, in funding applications under this part, shall give priority—

(A) to eligible partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such program; and

(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

##### (3) Secretarial selection

The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

#### (c) Matching requirements

##### (1) In general

Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

##### (2) Waiver

The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

#### (d) Limitation on administrative expenses

An eligible partnership that receives a grant under this part may use not more than two percent of the funds provided to administer the grant.

(Pub. L. 89-329, title II, §203, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3145.)

#### PRIOR PROVISIONS

A prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 203 of Pub. L. 89-329 was classified to section 1023 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

### § 1022c. Accountability and evaluation

#### (a) Eligible partnership evaluation

Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes strong and measurable performance objectives. The plan shall include objectives and measures for increasing—

(1) achievement for all prospective and new teachers, as measured by the eligible partnership;

(2) teacher retention in the first three years of a teacher's career;

(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

(B) the percentage of highly qualified teachers hired by the high-need local educational agency who are members of underrepresented groups;

(C) the percentage of highly qualified teachers hired by the high-need local educational agency who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

(D) the percentage of highly qualified teachers hired by the high-need local educational

agency who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

(E) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

(G) as applicable, the percentage of teachers trained—

(i) to integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

(ii) to use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

**(b) Information**

An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, faculty, and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information, including through electronic means, about the activities carried out with funds under this part.

**(c) Revised application**

If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures of the grant, as appropriate, by the end of the third year of a grant under this part, then the Secretary—

(1) shall cancel the grant; and

(2) may use any funds returned or available because of such cancellation under paragraph (1) to—

(A) increase other grant awards under this part; or

(B) award new grants to other eligible partnerships under this part.

**(d) Evaluation and dissemination**

The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—

(1) successful practices developed by eligible partnerships under this part; and

(2) information regarding such practices that were found to be ineffective.

(Pub. L. 89-329, title II, §204, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3146.)

**PRIOR PROVISIONS**

A prior section 204 of Pub. L. 89-329 was classified to section 1024 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 204 of Pub. L. 89-329 was classified to section 1024 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

**§ 1022d. Accountability for programs that prepare teachers**

**(a) Institutional and program report cards on the quality of teacher preparation**

**(1) Report card**

Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this chapter and part C of subchapter I of chapter 34 of title 42 shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, the following:

**(A) Goals and assurances**

(i) For the most recent year for which the information is available for the institution—

(I) whether the goals set under section 1022e of this title have been met; and

(II) a description of the activities the institution implemented to achieve such goals.

(ii) A description of the steps the institution is taking to improve its performance in meeting the annual goals set under section 1022e of this title.

(iii) A description of the activities the institution has implemented to meet the assurances provided under section 1022e of this title.

**(B) Pass rates and scaled scores**

For the most recent year for which the information is available for those students who took the assessments used for teacher certification or licensure by the State in which the program is located and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken such assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the two-year period preceding such year, for each of such assessments—

(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

(ii) the percentage of all students who passed such assessment;

(iii) the percentage of students who have taken such assessment who enrolled in and completed the traditional teacher preparation program or alternative routes to State certification or licensure program, as applicable;

(iv) the average scaled score for all students who took such assessment;

(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

**(C) Program information**

A description of—

- (i) the criteria for admission into the program;
- (ii) the number of students in the program (disaggregated by race, ethnicity, and gender);
- (iii) the average number of hours of supervised clinical experience required for those in the program;
- (iv) the number of full-time equivalent faculty and students in the supervised clinical experience; and
- (v) the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

**(D) Statement**

In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

**(E) Designation as low-performing**

Whether the program has been designated as low-performing by the State under section 1022f(a) of this title.

**(F) Use of technology**

A description of the activities, including activities consistent with the principles of universal design for learning, that prepare teachers to integrate technology effectively into curricula and instruction, and to use technology effectively to collect, manage, and analyze data in order to improve teaching and learning for the purpose of increasing student academic achievement.

**(G) Teacher training**

A description of the activities that prepare general education and special education teachers to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 1414(d)(1)(B) of this title, and to effectively teach students who are limited English proficient.

**(2) Report**

Each eligible partnership receiving a grant under section 1022a of this title shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 1022c(a) of this title.

**(3) Fines**

The Secretary may impose a fine not to exceed \$27,500 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

**(4) Special rule**

In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the insti-

tution shall collect and publish information, as required under paragraph (1)(B), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.

**(b) State report card on the quality of teacher preparation**

**(1) In general**

Each State that receives funds under this chapter and part C of subchapter I of chapter 34 of title 42 shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subjects, areas, or grades within the State.

(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 6311(b)(1) of this title and, as applicable, State early learning standards for early childhood education programs.

(D) For each of the assessments used by the State for teacher certification or licensure—

(i) for each institution of higher education located in the State and each entity located in the State, including those that offer an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

(ii) the percentage of all such students at all such institutions and entities who have taken the assessment who pass such assessment;

(iii) the percentage of students who have taken the assessment who enrolled in and completed a teacher preparation program; and

(iv) the average scaled score of individuals participating in such a program, or who have completed such a program during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher

education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

(i) the percentage of individuals participating in such routes, or who have completed such routes during the two-year period preceding the date for which the determination is made, who passed each such assessment; and

(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

(G) For each teacher preparation program in the State—

(i) the criteria for admission into the program;

(ii) the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);

(iii) the average number of hours of supervised clinical experience required for those in the program; and

(iv) the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

(i) area of certification or licensure;

(ii) academic major; and

(iii) subject area for which the teacher has been prepared to teach.

(I) A description of the extent to which teacher preparation programs are addressing shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

(J) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 1414(d)(1)(B) of this title.

(K) A description of the activities that prepare teachers to—

(i) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(ii) use technology effectively to collect, manage, and analyze data to improve

teaching and learning for the purpose of increasing student academic achievement.

(L) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach students who are limited English proficient.

## **(2) Prohibition against creating a national list**

The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

## **(c) Data quality**

The Secretary shall prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

## **(d) Report of the Secretary on the quality of teacher preparation**

### **(1) Report card**

The Secretary shall annually provide to the authorizing committees, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (L) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part.

### **(2) Report to Congress**

The Secretary shall prepare and submit a report to the authorizing committees that contains the following:

(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than one State for teacher certification or licensure.

### **(3) Special rule**

In the case of a teacher preparation program with fewer than ten scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish, and make publicly available, information with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.

## **(e) Coordination**

The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

(Pub. L. 89-329, title II, §205, as added Pub. L. 110-315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3147.)

## **PRIOR PROVISIONS**

A prior section 205 of Pub. L. 89-329 was classified to section 1025 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 205 of Pub. L. 89-329 was classified to section 1025 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

### § 1022e. Teacher development

#### (a) Annual goals

Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this chapter and part C of subchapter I of chapter 34 of title 42, shall set annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary or by the State educational agency, including mathematics, science, special education, and instruction of limited English proficient students.

#### (b) Assurances

Each institution described in subsection (a) shall provide assurances to the Secretary that—

- (1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;
- (2) training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom;
- (3) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;
- (4) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and
- (5) prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.

#### (c) Rule of construction

Nothing in this section shall be construed to require an institution to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this section.

(Pub. L. 89-329, title II, § 206, as added Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3152.)

#### PRIOR PROVISIONS

A prior section 206 of Pub. L. 89-329 was classified to section 1026 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 206 of Pub. L. 89-329 was classified to section 1026 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

### § 1022f. State functions

#### (a) State assessment

In order to receive funds under this chapter and part C of subchapter I of chapter 34 of title 42, a State shall conduct an assessment to identify low-performing teacher preparation programs in the State and to assist such programs

through the provision of technical assistance. Each such State shall provide the Secretary with an annual list of low-performing teacher preparation programs and an identification of those programs at risk of being placed on such list, as applicable. Such assessment shall be described in the report under section 1022d(b) of this title. Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part, including progress in meeting the goals of—

- (1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;
- (2) improving student academic achievement for elementary and secondary students; and
- (3) raising the standards for entry into the teaching profession.

#### (b) Termination of eligibility

Any teacher preparation program from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

- (1) shall be ineligible for any funding for professional development activities awarded by the Department;
- (2) may not be permitted to accept or enroll any student who receives aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 in the institution's teacher preparation program;
- (3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval; and
- (4) shall be reinstated upon demonstration of improved performance, as determined by the State.

#### (c) Negotiated rulemaking

If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

#### (d) Application of the requirements

The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

(Pub. L. 89-329, title II, § 207, as added Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3152.)

#### PRIOR PROVISIONS

A prior section 207 of Pub. L. 89-329 was classified to section 1027 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 207 of Pub. L. 89-329 was classified to section 1027 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

### § 1022g. General provisions

#### (a) Methods

In complying with sections 1022d and 1022e of this title, the Secretary shall ensure that States



and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not reveal personally identifiable information.

**(b) Special rule**

For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 6319 of this title, in accordance with the State plan submitted or revised under section 6311 of this title, and that each person employed as a special education teacher in the State who teaches elementary school or secondary school is highly qualified by the deadline, as required under section 1412(a)(14)(C) of this title, the Secretary shall—

(1) to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

(2) notwithstanding any other provision of this part, use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

**(c) Release of information to teacher preparation programs**

**(1) In general**

For the purpose of improving teacher preparation programs, a State that receives funds under this chapter and part C of subchapter I of chapter 34 of title 42, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

(B) is possessed, controlled, or accessible by the State.

**(2) Content of information**

The information described in paragraph (1)—

(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

(B) may include—

(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

(Pub. L. 89-329, title II, § 208, as added Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3153.)

**PRIOR PROVISIONS**

A prior section 208 of Pub. L. 89-329 was classified to section 1028 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 208 of Pub. L. 89-329 was classified to section 1028 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

**§ 1022h. Authorization of appropriations**

There are authorized to be appropriated to carry out this part \$300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the two succeeding fiscal years.

(Pub. L. 89-329, title II, § 209, as added Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3154.)

**PRIOR PROVISIONS**

A prior section 209 of Pub. L. 89-329 was classified to section 1029 of this title, prior to repeal by Pub. L. 110-315.

A prior section 1023, Pub. L. 89-329, title II, § 203, as added Pub. L. 105-244, title II, § 201, Oct. 7, 1998, 112 Stat. 1625; amended Pub. L. 107-110, title X, § 1051(2), Jan. 8, 2002, 115 Stat. 2080, related to partnership grants, prior to repeal by Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1023, Pub. L. 89-329, title II, § 203, as added Pub. L. 102-325, title II, § 201, July 23, 1992, 106 Stat. 468, required Secretary to ensure that programs under this subchapter were administered by appropriate library experts, prior to repeal by Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1023, Pub. L. 89-329, title II, § 203, Nov. 8, 1965, 79 Stat. 1225; Pub. L. 90-575, title II, § 212(a), Oct. 16, 1968, 82 Stat. 1036; Pub. L. 92-318, title I, §§ 111(b)(2)(B), 112(b)(2), 113(a), June 23, 1972, 86 Stat. 239, 240, provided for supplemental grants in the college library resources program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1024, Pub. L. 89-329, title II, § 204, as added Pub. L. 105-244, title II, § 201, Oct. 7, 1998, 112 Stat. 1627; amended Pub. L. 107-110, title X, § 1051(2), Jan. 8, 2002, 115 Stat. 2080, related to teacher recruitment grants, prior to repeal by Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1024, Pub. L. 89-329, title II, § 204, Nov. 8, 1965, 79 Stat. 1226; Pub. L. 90-575, title II, §§ 212(b), (c), 213(a), Oct. 16, 1968, 82 Stat. 1036; Pub. L. 92-318, title I, § 111(b)(2)(C), June 23, 1972, 86 Stat. 239, provided for special purpose grants in the college library resources program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1025, Pub. L. 89-329, title II, § 205, as added Pub. L. 105-244, title II, § 201, Oct. 7, 1998, 112 Stat. 1628; amended Pub. L. 107-110, title X, § 1051(2), Jan. 8, 2002, 115 Stat. 2080, related to administrative provisions, prior to repeal by Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1025, Pub. L. 89-329, title II, § 205, Nov. 8, 1965, 79 Stat. 1226; Pub. L. 91-230, title IV, § 401(h)(4), Apr. 13, 1970, 84 Stat. 174, created the Advisory Council on College Library Resources, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1026, Pub. L. 89-329, title II, § 206, as added Pub. L. 105-244, title II, § 201, Oct. 7, 1998, 112 Stat. 1630; amended Pub. L. 107-110, title X, § 1051(2), Jan. 8, 2002, 115 Stat. 2080, related to accountability and evaluation, prior to repeal by Pub. L. 110-315, title II, § 201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1026, Pub. L. 89-329, title II, § 206, Nov. 8, 1965, 79 Stat. 1226, related to the accreditation of educational institutions, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1027, Pub. L. 89-329, title II, § 207, as added Pub. L. 105-244, title II, § 201, Oct. 7, 1998, 112 Stat.

1632; amended Pub. L. 107–110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to accountability for programs that prepare teachers, prior to repeal by Pub. L. 110–315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1027, Pub. L. 89–329, title II, §207, Nov. 8, 1965, 79 Stat. 1227; Pub. L. 92–318, title I, §131(d)(2)(B), June 23, 1972, 86 Stat. 260, prohibited grants for library resources to be used for sectarian instruction or religious worship, prior to the general amendment of this subchapter by Pub. L. 96–374.

A prior section 1028, Pub. L. 89–329, title II, §208, as added Pub. L. 105–244, title II, §201, Oct. 7, 1998, 112 Stat. 1634; amended Pub. L. 107–110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to State functions, prior to repeal by Pub. L. 110–315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1028, Pub. L. 89–329, title II, §208, Nov. 8, 1965, 79 Stat. 1227, required that institutions inform State agencies of their activities under the college library resources program, prior to the general amendment of this subchapter by Pub. L. 96–374.

A prior section 1029, Pub. L. 89–329, title II, §209, as added Pub. L. 105–244, title II, §201, Oct. 7, 1998, 112 Stat. 1635; amended Pub. L. 107–110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to general provisions, prior to repeal by Pub. L. 110–315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1029, Pub. L. 89–329, title II, §211, as added Pub. L. 96–374, title II, §201, Oct. 3, 1980, 94 Stat. 1384; amended Pub. L. 99–498, title II, §202, Oct. 17, 1986, 100 Stat. 1287; Pub. L. 102–325, title II, §201, July 23, 1992, 106 Stat. 468, related to college library technology and cooperation grants, prior to repeal by Pub. L. 104–208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312.

A prior section 1030, Pub. L. 89–329, title II, §210, as added Pub. L. 105–244, title II, §201, Oct. 7, 1998, 112 Stat. 1635; amended Pub. L. 107–110, title X, §1051(2), Jan. 8, 2002, 115 Stat. 2080, related to authorization of appropriations, prior to repeal by Pub. L. 110–315, title II, §201(2), Aug. 14, 2008, 122 Stat. 3133.

Another prior section 1030, Pub. L. 89–329, title II, §213, as added Pub. L. 99–498, title II, §203, Oct. 17, 1986, 100 Stat. 1289, which defined “full-time equivalent students”, was omitted in the general amendment of this subchapter by Pub. L. 102–325, title II, §201, July 23, 1992, 106 Stat. 467.

## PART B—ENHANCING TEACHER EDUCATION

### PRIOR PROVISIONS

A prior part B, consisting of sections 1041 to 1044, related to preparing tomorrow’s teachers to use technology, prior to repeal by Pub. L. 110–315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.

### § 1031. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89–329, title II, §230, as added Pub. L. 110–315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.)

### PRIOR PROVISIONS

A prior section 1031, Pub. L. 89–329, title II, §221, as added Pub. L. 96–374, title II, §201, Oct. 3, 1980, 94 Stat. 1385; amended Pub. L. 99–498, title II, §204(b)(1), Oct. 17, 1986, 100 Stat. 1289; Pub. L. 102–325, title II, §201, July 23, 1992, 106 Stat. 469, authorized grants in accordance with former sections 1032 and 1033 of this title, prior to repeal by Pub. L. 104–208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312.

Another prior section 1031, Pub. L. 89–329, title II, §221, as added Pub. L. 92–318, title I, §111(b)(3)(A), June 23, 1972, 86 Stat. 239, contained the grant authority for

training and research programs, prior to the general amendment of this subchapter by Pub. L. 96–374.

Another prior section 1031, Pub. L. 89–329, title II, §221, Nov. 8, 1965, 79 Stat. 1227; Pub. L. 90–575, title II, §215, Oct. 16, 1968, 82 Stat. 1037; Pub. L. 92–318, title I, §111(a)(2), June 23, 1972, 86 Stat. 238, authorized appropriations of \$15,000,000 for each fiscal year ending June 30, 1966, 1967, and 1968, and \$11,800,000; \$28,000,000; \$38,000,000; and \$12,000,000 for fiscal years ending June 30, 1969, 1970, 1971, and 1972, prior to repeal by Pub. L. 92–318, title I, §111(b)(3)(A), June 23, 1972, 86 Stat. 239.

### SUBPART 1—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS

### § 1032. Program authorized

#### (a) Program authority

The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—

(1) assist in the graduation of teacher candidates who are prepared to use modern information, communication, and learning tools to—

(A) improve student learning, assessment, and learning management; and

(B) help students develop learning skills to succeed in higher education and to enter the workforce;

(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology-rich teaching and learning environments throughout a teacher candidate’s preservice education, including clinical experiences; and

(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching and learning environments, including environments consistent with the principles of universal design for learning, that enable kindergarten through grade 12 students to develop learning skills to succeed in higher education and to enter the workforce.

#### (b) Amount and duration

A grant, contract, or cooperative agreement under this subpart—

(1) shall be for not more than \$2,000,000;

(2) shall be for a three-year period; and

(3) may be renewed for one additional year.

#### (c) Non-Federal share requirement

The Federal share of the cost of any project funded under this subpart shall not exceed 75 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

#### (d) Definition of eligible consortium

In this subpart, the term “eligible consortium” means a consortium of members that includes the following:

(1) Not less than one institution of higher education that awards baccalaureate or master’s degrees and prepares teachers for initial entry into teaching.

(2) Not less than one State educational agency or local educational agency.

(3) A department, school, or college of education at an institution of higher education.

(4) A department, school, or college of arts and sciences at an institution of higher education.

(5) Not less than one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.

(Pub. L. 89-329, title II, §231, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154; amended Pub. L. 111-39, title II, §201(3), July 1, 2009, 123 Stat. 1936.)

#### PRIOR PROVISIONS

A prior section 1032, Pub. L. 89-329, title II, §222, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1385; amended Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 469, related to library education and human resource development, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1032, Pub. L. 89-329, title II, §222, Nov. 8, 1965, 79 Stat. 1227, defined the term “librarianship”, prior to repeal by Pub. L. 92-318, title I, §111(b)(3)(A), June 23, 1972, 86 Stat. 239.

A prior section 231 of Pub. L. 89-329 was classified to section 1041 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 231 of Pub. L. 89-329 was classified to section 1041 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 231 of Pub. L. 89-329 was classified to section 1041 of this title, prior to the general amendment of former part C of this subchapter by Pub. L. 94-482.

#### AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-39 substituted “assist in the graduation of” for “serve graduate” in introductory provisions.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

### § 1032a. Uses of funds

#### (a) In general

An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this subpart shall use funds made available under this subpart to carry out a project that—

(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect preservice preparation of teacher candidates with high-need schools; or

(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

#### (b) Uses of funds for partnership grants

In carrying out a project under subsection (a)(1), an eligible consortium shall—

(1) provide teacher candidates, early in their preparation, with field experiences with technology in educational settings;

(2) build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workforce;

(3) provide professional development in the use of technology for teachers, administrators, and content specialists who participate in field placement;

(4) provide professional development of technology pedagogical skills for faculty of departments, schools, and colleges of education and arts and sciences;

(5) implement strategies for the mentoring of teacher candidates by members of the consortium with respect to technology implementation;

(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;

(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and

(8) evaluate the effectiveness of the project.

#### (c) Uses of funds for transformation grants

In carrying out a project under subsection (a)(2), an eligible consortium shall—

(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;

(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate preservice teachers who can integrate technology and pedagogical skills in content areas;

(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to preservice teachers to—

(A) develop and implement a plan for preservice teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and

(B) better reach underrepresented preservice teacher populations with programs that connect such preservice teacher populations with applications of technology;

(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student academic achievement in high-need schools;

(5) provide additional technology resources for preservice teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and

(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.

(Pub. L. 89-329, title II, §232, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3155.)

#### PRIOR PROVISIONS

A prior section 232 of Pub. L. 89-329 was classified to section 1042 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 232 of Pub. L. 89-329 was classified to section 1042 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 232 of Pub. L. 89-329 was classified to section 1042 of this title, prior to the general amendment of former part C of this subchapter by Pub. L. 94-482.

### § 1032b. Application requirements

To be eligible to receive a grant or enter into a contract or cooperative agreement under this subpart, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

(1) A description of the project to be carried out with the grant, including how the project will—

(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects preservice preparation of teacher candidates with high-need schools; or

(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

(2) A demonstration of—

(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.

(3) A description of how each member of the consortium will participate in the project.

(4) A description of how the State educational agency or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.

(5) A description of how the project will be continued after Federal funds are no longer available under this subpart for the project.

(6) A description of how the project will incorporate—

(A) State teacher technology standards; and

(B) State student technology standards.

(7) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

(Pub. L. 89-329, title II, §233, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3157.)

#### PRIOR PROVISIONS

A prior section 233 of Pub. L. 89-329 was classified to section 1043 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

### § 1032c. Evaluation

Not less than ten percent of the funds awarded to an eligible consortium to carry out a project under this subpart shall be used to evaluate the effectiveness of such project.

(Pub. L. 89-329, title II, §234, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3157.)

#### PRIOR PROVISIONS

A prior section 234 of Pub. L. 89-329 was classified to section 1044 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

#### SUBPART 2—HONORABLE AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE

### § 1033. Definitions

In this subpart:

#### (1) Eligible institution

The term “eligible institution” means—

(A) an institution of higher education that has a teacher preparation program that is a qualified teacher preparation program and that is—

(i) a part B institution (as defined in section 1061 of this title);

(ii) a Hispanic-serving institution (as defined in section 1101a of this title);

(iii) a Tribal College or University (as defined in section 1059c of this title);

(iv) an Alaska Native-serving institution (as defined in section 1059d(b) of this title);

(v) a Native Hawaiian-serving institution (as defined in section 1059d(b) of this title);

(vi) a Predominantly Black Institution (as defined in section 1059e of this title);

(vii) an Asian American and Native American Pacific Islander-serving institution (as defined in section 1059g(b) of this title); or

(viii) a Native American-serving, non-tribal institution (as defined in section 1059f of this title);

(B) a consortium of institutions described in subparagraph (A); or

(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 1033a of this title is located at an institution described in subparagraph (A).

#### (2) Scientifically based reading research

The term “scientifically based reading research” has the meaning given such term in section 6368 of this title.

(Pub. L. 89-329, title II, §241, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3158.)

#### PRIOR PROVISIONS

A prior section 1033, Pub. L. 89-329, title II, §223, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat.

1385; amended Pub. L. 99-498, title II, § 205, Oct. 17, 1986, 100 Stat. 1289; Pub. L. 102-325, title II, § 201, July 23, 1992, 106 Stat. 470, authorized Secretary to make grants and enter into contracts for research and development projects, prior to repeal by Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1033, Pub. L. 89-329, title II, § 222, formerly § 223, Nov. 8, 1965, 79 Stat. 1227; Pub. L. 90-575, title II, § 216, Oct. 16, 1968, 82 Stat. 1037, renumbered and amended Pub. L. 92-318, title I, § 111(b)(3)(B)-(D), June 23, 1972, 86 Stat. 239, 240, related to grants for training in librarianship, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 241 of Pub. L. 89-329 was classified to section 1047 of this title, prior to repeal by Pub. L. 104-208.

Another prior section 241 of Pub. L. 89-329 was classified to section 1047 of this title, prior to the general amendment of former part D of this subchapter by Pub. L. 99-498.

### **§ 1033a. Augustus F. Hawkins centers of excellence**

#### **(a) Program authorized**

From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

#### **(b) Use of funds**

Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified by carrying out one or more of the following activities:

(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

(A) retraining or recruiting faculty; and

(B) designing (or redesigning) teacher preparation programs that—

(i) prepare teachers to serve in low-performing schools and close student achievement gaps, and that are based on rigorous academic content, scientifically valid research (including scientifically based reading research and mathematics research, as it becomes available), and challenging State academic content standards and student academic achievement standards; and

(ii) promote strong teaching skills.

(2) Providing sustained and high-quality pre-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

(A) teacher or principal mentoring from exemplary teachers or principals, respectively; or

(B) induction and support for teachers and principals during their first three years of employment as teachers or principals, respectively.

(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program, not to exceed the cost of attendance.

(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

(6) Activities authorized under section 1022a of this title.

#### **(c) Application**

Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

#### **(d) Minimum grant amount**

The minimum amount of each grant under this subpart shall be \$500,000.

#### **(e) Limitation on administrative expenses**

An eligible institution that receives a grant under this subpart may use not more than two percent of the funds provided to administer the grant.

#### **(f) Regulations**

The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

(Pub. L. 89-329, title II, § 242, as added Pub. L. 110-315, title II, § 201(3), Aug. 14, 2008, 122 Stat. 3158.)

#### **PRIOR PROVISIONS**

A prior section 242 of Pub. L. 89-329 was classified to section 1047a of this title, prior to the general amendment of former part D of this subchapter by Pub. L. 99-498.

#### **SUBPART 3—PREPARING GENERAL EDUCATION TEACHERS TO MORE EFFECTIVELY EDUCATE STUDENTS WITH DISABILITIES**

### **§ 1034. Teach to reach grants**

#### **(a) Authorization of program**

##### **(1) In general**

The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in general education classrooms.

##### **(2) Duration of grants**

A grant under this section shall be awarded for a period of not more than five years.

##### **(3) Non-Federal share**

An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

**(b) Definition of eligible partnership**

In this section, the term “eligible partnership” means a partnership that—

- (1) shall include—
  - (A) one or more departments or programs at an institution of higher education—
    - (i) that prepare elementary or secondary general education teachers;
    - (ii) that have a program of study that leads to an undergraduate degree, a master’s degree, or completion of a postbaccalaureate program required for teacher certification; and
    - (iii) the graduates of which are highly qualified;
  - (B) a department or program of special education at an institution of higher education;
  - (C) a department or program at an institution of higher education that provides degrees in core academic subjects; and
  - (D) a high-need local educational agency; and

(2) may include a department or program of mathematics, earth or physical science, foreign language, or another department at the institution that has a role in preparing teachers.

**(c) Activities**

An eligible partnership that receives a grant under this section—

- (1) shall use the grant funds to—
  - (A) develop or strengthen an undergraduate, postbaccalaureate, or master’s teacher preparation program by integrating special education strategies into the general education curriculum and academic content;
  - (B) provide teacher candidates participating in the program under subparagraph (A) with skills related to—
    - (i) response to intervention, positive behavioral interventions and supports, differentiated instruction, and data driven instruction;
    - (ii) universal design for learning;
    - (iii) determining and utilizing accommodations for instruction and assessments;
    - (iv) collaborating with special educators, related services providers, and parents, including participation in individualized education program development and implementation; and
    - (v) appropriately utilizing technology and assistive technology for students with disabilities; and
  - (C) provide extensive clinical experience for participants described in subparagraph (B) with mentoring and induction support throughout the program that continues during the first two years of full-time teaching; and

(2) may use grant funds to develop and administer alternate assessments of students with disabilities.

**(d) Application**

An eligible partnership seeking a grant under this section shall submit an application to the

Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

- (1) a self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities; and
- (2) an assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

**(e) Peer review**

The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education and shall not be in a position to benefit financially from any grants awarded under this section.

**(f) Evaluations****(1) By the partnership****(A) In general**

An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine—

- (i) the effectiveness of the general education teachers who completed a program under subsection (c)(1) with respect to instruction of students with disabilities in general education classrooms; and
- (ii) the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary schools and secondary schools.

**(B) Report to the Secretary**

Each eligible partnership performing an evaluation under subparagraph (A) shall report the findings of such evaluation to the Secretary.

**(2) Report by the Secretary**

Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.

(Pub. L. 89-329, title II, §251, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3159.)

**PRIOR PROVISIONS**

A prior section 1034, Pub. L. 89-329, title II, §224, as added Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 470, required Secretary to consult with appropriate library and information science professional bod-

ies in determining critical needs and priorities under former sections 1032 and 1033 of this title, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1034, Pub. L. 89-329, title II, §224, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1385, authorized special purpose grants, prior to repeal by Pub. L. 99-498, title II, §204(a), Oct. 17, 1986, 100 Stat. 1289.

Another prior section 1034, Pub. L. 89-329, title II, §223, formerly §224, Nov. 8, 1965, 79 Stat. 1228, Pub. L. 91-230, title IV, §401(h)(4), Apr. 13, 1970, 84 Stat. 174, and renumbered Pub. L. 92-318, title I, §111(b)(3)(D), June 23, 1972, 86 Stat. 240, related to grants for research and demonstration projects, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 251 of Pub. L. 89-329 was classified to section 1047j of this title, prior to the general amendment of former part D of this subchapter by Pub. L. 99-498.

#### SUBPART 4—ADJUNCT TEACHER CORPS

### § 1035. Adjunct teacher corps

#### (a) Purpose

The purpose of this section is to create opportunities for professionals and other individuals with subject matter expertise in mathematics, science, or critical foreign languages to provide such subject matter expertise to secondary school students on an adjunct basis.

#### (b) Program authorized

The Secretary is authorized to award grants on a competitive basis to eligible entities to identify, recruit, and train qualified individuals with subject matter expertise in mathematics, science, or critical foreign languages to serve as adjunct content specialists.

#### (c) Duration of grants

The Secretary may award grants under this section for a period of not more than five years.

#### (d) Eligible entity

In this section, the term “eligible entity” means—

- (1) a local educational agency; or
- (2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

#### (e) Uses of funds

An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

- (1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, or critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

- (2) To provide preservice training and on-going professional development to adjunct content specialists.

#### (f) Applications

##### (1) Application required

An eligible entity that desires a grant under this section shall submit an application to the

Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### (2) Contents

An application submitted under paragraph (1) shall include—

(A) a description of—

(i) the need for, and expected benefits of using, adjunct content specialists in the schools served by the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

(ii) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

(iii) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

(iv) how the eligible entity will provide preservice training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

(v) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant; and

(vi) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

(B) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

#### (g) Priorities

In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

- (1) serve the schools served by the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

- (2) serve local educational agencies that have a large number or percentage of students from low-income families; and

- (3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

#### (h) Matching requirement

Each eligible entity that receives a grant under this section shall provide, from non-Fed-

eral sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

**(i) Performance report**

Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

**(j) Evaluation**

The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

**(k) Definition**

In this section, the term “adjunct content specialist” means an individual who—

- (1) meets the requirements of section 7801(23)(B)(ii) of this title;
- (2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and
- (3) is not the primary provider of instructional services to a student, unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of section 7801(23) of this title.

(Pub. L. 89-329, title II, §255, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3161.)

SUBPART 5—GRADUATE FELLOWSHIPS TO PREPARE FACULTY IN HIGH-NEED AREAS AT COLLEGES OF EDUCATION

**§ 1036. Graduate fellowships to prepare faculty in high-need areas at colleges of education**

**(a) Grants by Secretary**

The Secretary shall make grants to eligible institutions to enable such institutions to make graduate fellowship awards to qualified individuals in accordance with the provisions of this section.

**(b) Eligible institutions**

In this section, the term “eligible institution” means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a doctoral degree.

**(c) Applications**

An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

**(d) Types of fellowships supported**

**(1) In general**

An eligible institution that receives a grant under this section shall use the grant funds to provide graduate fellowships to individuals

who are preparing for the professorate in order to prepare individuals to become highly qualified elementary school and secondary school mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient students.

**(2) Types of study**

A graduate fellowship provided under this section shall support an individual in pursuing postbaccalaureate study, which leads to a doctoral degree and may include a master's degree as part of such study, related to teacher preparation and pedagogy in one of the following areas:

- (A) Science, technology, engineering, or mathematics, if the individual has completed a master's degree in mathematics or science and is pursuing a doctoral degree in mathematics, science, or education.
- (B) Special education.
- (C) The instruction of limited English proficient students, including postbaccalaureate study in language instruction educational programs.

**(e) Fellowship terms and conditions**

**(1) Selection of fellows**

The Secretary shall ensure that an eligible institution that receives a grant under this section—

- (A) shall provide graduate fellowship awards to individuals who plan to pursue a career in instruction at an institution of higher education that has a teacher preparation program; and
- (B) may not provide a graduate fellowship to an otherwise eligible individual—

(i) during periods in which such individual is enrolled at an institution of higher education unless such individual is maintaining satisfactory academic progress in, and devoting full-time study or research to, the pursuit of the degree for which the fellowship support was provided; or

(ii) if the individual is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the individuals's<sup>1</sup> progress toward the degree for which the fellowship support was provided.

**(2) Amount of fellowship awards**

**(A) In general**

An eligible institution that receives a grant under this section shall award stipends to individuals who are provided graduate fellowships under this section.

**(B) Awards based on need**

A stipend provided under this section shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellowship recipient's demonstrated need, as determined by the insti-

<sup>1</sup> So in original. Probably should be “individual's”.



tution of higher education where the fellowship recipient is enrolled.

**(3) Service requirement**

**(A) Teaching required**

Each individual who receives a graduate fellowship under this section and earns a doctoral degree shall teach for one year at an institution of higher education that has a teacher preparation program for each year of fellowship support received under this section.

**(B) Institutional obligation**

Each eligible institution that receives a grant under this section shall provide an assurance to the Secretary that the institution has inquired of and determined the decision of each individual who has received a graduate fellowship to, within three years of receiving a doctoral degree, begin employment at an institution of higher education that has a teacher preparation program, as required by this section.

**(C) Agreement required**

Prior to receiving an initial graduate fellowship award, and upon the annual renewal of the graduate fellowship award, an individual selected to receive a graduate fellowship under this section shall sign an agreement with the Secretary agreeing to pursue a career in instruction at an institution of higher education that has a teacher preparation program in accordance with subparagraph (A).

**(D) Failure to comply**

If an individual who receives a graduate fellowship award under this section fails to comply with the agreement signed pursuant to subparagraph (C), the sum of the amounts of any graduate fellowship award received by such recipient shall, upon a determination of such a failure, be treated as a Federal Direct Unsubsidized Stafford Loan under part C of subchapter IV, and shall be subject to repayment, together with interest thereon accruing from the date of the fellowship award, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

**(E) Modified service requirement**

The Secretary may waive or modify the service requirement of this paragraph in accordance with regulations promulgated by the Secretary with respect to the criteria to determine the circumstances under which compliance with such service requirement is inequitable or represents a substantial hardship. The Secretary may waive the service requirement if compliance by the fellowship recipient is determined to be inequitable or represent a substantial hardship—

- (i) because the individual is permanently and totally disabled at the time of the waiver request; or
- (ii) based on documentation presented to the Secretary of substantial economic or personal hardship.

**(f) Institutional support for fellows**

An eligible institution that receives a grant under this section may reserve not more than

ten percent of the grant amount for academic and career transition support for graduate fellowship recipients and for meeting the institutional obligation described in subsection (e)(3)(B).

**(g) Restriction on use of funds**

An eligible institution that receives a grant under this section may not use grant funds for general operational overhead of the institution.

(Pub. L. 89-329, title II, §258, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3163.)

PART C—GENERAL PROVISIONS

**§ 1041. Limitations**

**(a) Federal control prohibited**

Nothing in this subchapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this subchapter.

**(b) No change in State control encouraged or required**

Nothing in this subchapter shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

**(c) National system of teacher certification or licensure prohibited**

Nothing in this subchapter shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.

**(d) Rule of construction**

Nothing in this subchapter shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(Pub. L. 89-329, title II, §261, as added Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3166.)

PRIOR PROVISIONS

A prior section 1041, Pub. L. 89-329, title II, §221, as added Pub. L. 107-110, title X, §1051(3), Jan. 8, 2002, 115 Stat. 2080, set out purpose and program authority for teacher preparation programs to enable teachers to use advanced technology in the classroom, prior to repeal by Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.

Another prior section 1041, Pub. L. 89-329, title II, §231, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1386; amended Pub. L. 99-498, title II, §204(b)(2), 206, Oct. 17, 1986, 100 Stat. 1289; Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 470, authorized grants to institutions with major research libraries.

ies, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1041, Pub. L. 89-329, title II, §231, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090, set out the Congressional statement of findings and purpose for the research library resources strengthening program, prior to the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 1041, Pub. L. 89-329, title II, §231, Nov. 8, 1965, 79 Stat. 1228; Pub. L. 90-575, title II, §§217, 218, Oct. 16, 1968, 82 Stat. 1037; Pub. L. 92-318, title I, §114(a), June 23, 1972, 86 Stat. 240, authorized appropriations for assistance to Library of Congress for acquisition of Library material, prior to the general amendment of former part C of this subchapter by Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090.

A prior section 1042, Pub. L. 89-329, title II, §222, as added Pub. L. 107-110, title X, §1051(3), Jan. 8, 2002, 115 Stat. 2081, related to eligibility to receive a grant or enter into a contract or cooperative agreement under sections 1041 to 1044 of this title, prior to repeal by Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.

Another prior section 1042, Pub. L. 89-329, title II, §232, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1386; amended Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 471, required Secretary to endeavor to achieve broad and equitable geographical distribution of grants, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1042, Pub. L. 89-329, title II, §232, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090; amended Pub. L. 96-49, §3(b), Aug. 13, 1979, 93 Stat. 351, which authorized appropriations through fiscal year 1980, was omitted in the general amendment of this subchapter by Pub. L. 96-374.

Another prior section 1042, Pub. L. 89-329, title II, §232, as added Pub. L. 92-318, title I, §115(a), June 23, 1972, 86 Stat. 241, which required an evaluation and report to Congressional committees by the Librarian of the Congress, was omitted in the general amendment of former part C of this subchapter by Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090.

A prior section 1043, Pub. L. 89-329, title II, §223, as added Pub. L. 107-110, title X, §1051(3), Jan. 8, 2002, 115 Stat. 2082, related to use of funds, prior to repeal by Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.

Another prior section 1043, Pub. L. 89-329, title II, §233, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090, related to eligibility for assistance under research library resources strengthening program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1044, Pub. L. 89-329, title II, §224, as added Pub. L. 107-110, title X, §1051(3), Jan. 8, 2002, 115 Stat. 2083, related to authorization of appropriations, prior to repeal by Pub. L. 110-315, title II, §201(3), Aug. 14, 2008, 122 Stat. 3154.

Another prior section 1044, Pub. L. 89-329, title II, §234, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2090, related to regional balance in allocation of funds, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1045 and 1046 were omitted in the general amendment of this subchapter by Pub. L. 96-374.

Section 1045, Pub. L. 89-329, title II, §235, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2091, set out limitations on grants as regards sectarian or religious use.

Section 1046, Pub. L. 89-329, title II, §236, as added Pub. L. 94-482, title I, §107, Oct. 12, 1976, 90 Stat. 2091, required consultations by grantees with State agencies.

A prior section 1047, Pub. L. 89-329, title II, §241, as added Pub. L. 99-498, title II, §207, Oct. 17, 1986, 100 Stat. 1289; amended Pub. L. 102-325, title II, §201, July 23, 1992, 106 Stat. 471; Pub. L. 103-208, §2(a)(3), Dec. 20, 1993, 107 Stat. 2457, authorized Secretary to make grants to and enter into contracts with eligible institutions, li-

brary organizations or agencies to assist in strengthening library and information science programs and libraries in historically black colleges and universities and other minority-serving institutions, prior to repeal by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Another prior section 1047 and prior sections 1047a to 1047j were omitted in the general amendment of former part D of this subchapter by Pub. L. 99-498.

Section 1047, Pub. L. 89-329, title II, §241, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1386, stated congressional declaration of purpose.

Section 1047a, Pub. L. 89-329, title II, §242, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1387, established National Periodical System Corporation.

Section 1047b, Pub. L. 89-329, title II, §243, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1387, related to functions of National Periodical System Corporation.

Section 1047c, Pub. L. 89-329, title II, §244, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1387, related to board of directors of National Periodical System Corporation.

Section 1047d, Pub. L. 89-329, title II, §245, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1387, related to director and staff of National Periodical System Corporation.

Section 1047e, Pub. L. 89-329, title II, §246, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1388, related to nonprofit nature of National Periodical System Corporation.

Section 1047f, Pub. L. 89-329, title II, §247, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1388, related to authority of National Periodical System Corporation.

Section 1047g, Pub. L. 89-329, title II, §248, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1389, related to congressional approval of design for national periodical system.

Section 1047h, Pub. L. 89-329, title II, §249, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1389, related to effect of former part D of this subchapter on copyright law.

Section 1047i, Pub. L. 89-329, title II, §250, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1389, defined terms used in former part D of this subchapter.

Section 1047j, Pub. L. 89-329, title II, §251, as added Pub. L. 96-374, title II, §201, Oct. 3, 1980, 94 Stat. 1390, authorized appropriations to carry out former part D of this subchapter.

### SUBCHAPTER III—INSTITUTIONAL AID

#### CODIFICATION

Title III of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-329, title III, Nov. 8, 1965, 79 Stat. 1229, and amended by Pub. L. 89-752, Nov. 3, 1966, 80 Stat. 1240; Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 121; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-380, Aug. 21, 1974, 88 Stat. 484; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 96-49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357; Pub. L. 98-95, Sept. 26, 1983, 97 Stat. 708; Pub. L. 98-312, June 12, 1984, 98 Stat. 233. Such title is shown herein, however, as having been added by Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1290, without reference to such intervening amendments because of the extensive revision of title III by Pub. L. 99-498.

### § 1051. Findings and purpose

#### (a) Findings

The Congress finds that—

(1) there are a significant number of institutions of higher education serving high percentages of minority students and students from low-income backgrounds, that face problems that threaten their ability to survive;